

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC LOPEZ,

Plaintiff,

v.

CITY OF MERCED, et al.,

Defendants.

No. 1:20-cv-00649-DAD-HBK

ORDER GRANTING PLAINTIFF'S
REQUEST TO VOLUNTARILY DISMISS
DEFENDANT COUNTY OF LOS ANGELES
PURSUANT TO RULE 41(a)(2)

(Doc. No. 44)

On November 16, 2021, plaintiff filed a request to dismiss defendant County of Los Angeles from this action, without prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. (Doc. No. 44.) Therein, plaintiff explains that the parties met and conferred on the issue of whether the County of Los Angeles is properly named as a defendant in this action, and after reviewing the records provided by the County of Los Angeles, plaintiff agreed to voluntarily dismiss the County of Los Angeles as a defendant, without prejudice. (*Id.* at 2.)

Dismissals under Rule 41 are not limited to dismissals of entire actions; a plaintiff may request voluntary dismissal of a defendant from an action. *See Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 688 (9th Cir. 2005) (noting that Rule 41 “allow[s] the dismissal of *all* claims against *one* defendant, so that a defendant may be dismissed from the entire action”). A district court should grant a motion for voluntary dismissal under Rule 41(a)(2) unless a


defendant can show that it will suffer some plain legal prejudice as a result. *Waller v. Fin. Corp. of Am.*, 828 F.2d 579, 583 (9th Cir. 1987). Here, defendant County of Los Angeles agrees with plaintiff's pending request, which resulted from the parties' meet and confer efforts, and the remaining defendants did not file any oppositions to the pending request. Accordingly, the court will grant plaintiff's request and dismiss defendant County of Los Angeles from this action without prejudice.

Good cause appearing, it is hereby ordered that:

1. Plaintiff's request to dismiss defendant County of Los Angeles from this action (Doc. No. 44) is granted;
2. Plaintiff's claims against defendant County of Los Angeles in this action are dismissed without prejudice; and
3. The Clerk of the Court is directed to update the docket to reflect that defendant County of Los Angeles has been terminated as a named defendant in this action.

IT IS SO ORDERED.

Dated: **November 24, 2021**


UNITED STATES DISTRICT JUDGE